



USN: 09/920,337
Dkt. No.: 6905-0002

PATENT

CERTIFICATE OF MAILING PURSUANT TO 37 CFR § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 20, 2006.

11/20/06
Date

Michelle Hobson
Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

STERN et al.

Serial No.: 09/920,337

Filing Date: July 31, 2001

Title: SYSTEM AND METHOD FOR OPTIMAL
VIEWING OF COMPUTER MONITORS TO
MINIMIZE EYESTRAIN

Examiner: A. Eisen

Group Art Unit: 2674

Confirmation No.: 4149

Customer No.: 20855

TRANSMITTAL LETTER

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Sir:

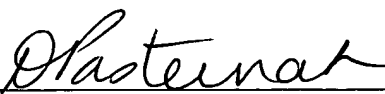
Transmitted herewith for filing, please find the following documents:

- X Statement Establishing Unavoidable Delay for the Petition for Revival of an Application For Patent Abandoned Unavoidably (3 pages) with attached copies of the Request for Withdrawal as Attorney or Agent and Power of Attorney by Assignee (3 pages)
- X Issue Fee Transmittal - Form PTOL-85 (1 page) *in duplicate*
- X Check in the amount of \$1259.00 (\$1009.00 – issue fee and \$250.00 – petition fee)
- X Return receipt postcard

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 18-1648.

Respectfully submitted,

Date: November 20, 2006

By: 
Dahna S. Pasternak
Registration No. 41,411

ROBINS & PASTERNAK LLP
1731 Embarcadero Road, Suite 230
Palo Alto, CA 94303
Tel.: (650) 493-3400
Fax: (650) 493-3440



USSN: 09/920,337
Dkt. No.: 6905-0002

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Serial No.: 09/920,337

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Examiner: A. Eisen

Group Art Unit: 2674

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**STATEMENT ESTABLISHING UNAVOIDABLE DELAY
FOR THE PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNAVOIDABLY UNDER 37 C.F.R. 1.137(a)**

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Sir:

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the U. S. Patent and Trademark Office. Applicant hereby petitions for revival of this application based on the following:

- 1) A Request For Withdrawal Attorney Or Agent (copy attached hereto) was submitted to the U.S. Patent and Trademark Office on behalf of Townsend and Townsend and Crew, LLP (Customer No. 20350) on January 28, 2003.

- 2) A Power of Attorney by Assignee reflecting the new correspondence address as Robins & Pasternak (Customer No. 20855) was submitted to U.S. Patent and Trademark Office on March 29, 2004 (copy attached hereto).
- 3) The Power of Attorney by Assignee reflecting the new correspondence address as Robins & Pasternak (Customer No. 20855) as originally submitted to U.S. Patent and Trademark Office on March 29, 2004 was re-submitted with the Request for Continued Examination filed with the U.S. Patent and Trademark Office on October 25, 2004.
- 4) All communications with the U.S. Patent and Trademark Office following January 28, 2003 have reflected the proper correspondence address as Robins & Pasternak (Customer No. 20855) and have provided telephone, fax and mailing contact information.
- 5) Despite (1) to (4), the U.S. Patent and Trademark Office mailed A Notice of Allowance to Townsend and Townsend and Crew, LLP (Customer No. 20350) on February 24, 2006 rather than to Robins & Pasternak LLP (Customer No. 20855). A copy of the Notice of Allowance was not forwarded to Robins & Pasternak LLP by Townsend and Townsend and Crew, LLP.
- 6) A Notice of Abandonment was mailed on July 11, 2006 by the U.S. Patent and Trademark Office to also sent to Townsend and Townsend and Crew, LLP (Customer No. 20350). The Notice of Abandonment was not sent to Robins & Pasternak LLP (Customer No. 20855). A copy of the Notice of Abandonment was not forwarded to Robins & Pasternak LLP by Townsend and Townsend and Crew, LLP.
- 7) A routine inspection status check was performed by a paralegal at Robins & Pasternak LLP on November 8, 2006 using the PAIR system through the

U.S. Patent and Trademark Office website in which it was discovered that both a Notice of Allowance and Notice of Abandonment had issued in the above-referenced application for which Robins & Pasternak LLP had not received a copy.

The facts listed above provide an adequate showing of the cause of the delay of response to the Notice of Allowance was unavoidable and that there was no delay in filing a grantable petition under 37 C.F.R. 1.137(a) after the unavoidable application was unavoidably abandoned.

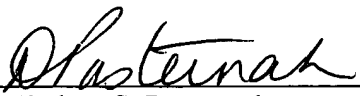
Also enclosed herewith are the following:

- 1) Completed Issue Fee Transmittal (Form PTOL-85).
- 2) A check in the amount of \$1009.00 for the Issue Fee, Publication Fee and advance copies.
- 3) A check in the amount of \$250.00 for the Petition to Revive Unavoidably Abandoned Application.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 18-1648.

Respectfully submitted,

Date: November 20, 2006

By: 
Dahna S. Pasternak
Registration No. 41,411

ROBINS & PASTERNAK LLP
1731 Embarcadero Road, Suite 230
Palo Alto, CA 94303
Tel.: (650) 493-3400
Fax: (650) 493-3440



Atty Dkt No. 6905-0002
PATENT

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on March 29, 2004.

3/29/04

Date

Michelle Hobson

Signature

COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

STERN et al.

Confirmation No.: 4149

Serial No.: 09/920,337

Group Art Unit: 2674

Filing Date: July 31, 2001

Examiner: A. Eisen

Title: SYSTEM AND METHOD FOR OPTIMAL VIEWING OF COMPUTER
MONITORS TO MINIMIZE EYESTRAIN

POWER OF ATTORNEY BY ASSIGNEE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

PANASECA, INC., assignee of the above-identified application by assignment (copy attached), hereby appoints Roberta L. Robins, Reg. No. 33,208 and Dahna S. Pasternak, Reg. No. 41,411 as its attorneys/agents with full power of substitution to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith.

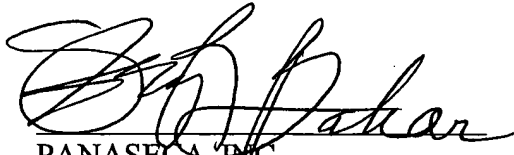
Atty Dkt No. 6905-0002
USSN: 09/920,337
PATENT

Please address all further communications to Dahna S. Pasternak at the following
address:

Customer No. 20855
ROBINS & PASTERNAK LLP
1731 Embarcadero Road, Suite 230
Palo Alto, CA 94303
Telephone: (650) 493-3400
Fax: (650) 493-3440

Date:

8/25/04

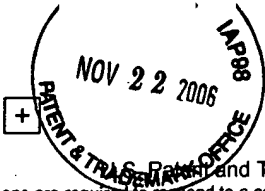
A handwritten signature in cursive script, appearing to read "Sherwyne Bakar", written over a horizontal line.

PANASECA, INC.

Name: Sherwyne Bakar

Title: Executive Vice President

Please type a plus sign (+) inside this box →



PTO/SB/83 (08-00)

Approved for use through 10/31/2002. OMB 0651-0035

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT

Application Number	09/920,337
Filing Date	July 31, 2001
First Named Inventor	Roger A. Stern
Group Art Unit	2673
Examiner Name	
Attorney Docket Number	019519-000310US

To: Assistant Commissioner for Patents
Washington, DC 20231

I hereby apply to withdraw as attorney or agent for the above identified application on behalf of all attorneys at customer number 20350.

The reasons for this request are: The assignee has not paid our invoices.

COPY

- ☐ The correspondence address is NOT affected by this withdrawal.
- ☒ Change the correspondence address and direct all future correspondence to:

CORRESPONDENCE ADDRESS

☐ Customer Number
OR

Place Customer Number
Bar Code Label here

☒ Firm or
Individual Name

Sherwyne Bakar, OD, FAAO

Address

Panaseca, Inc.

Address

2672 Bayshore Parkway, Suite 1030

City

Mountain View

State

California

ZIP

94043

Country

Telephone

650-961-4400

Fax

650-961-4441

This request is enclosed in triplicate.

Name

Philip H. Albert, Reg. No. 35,819

Signature

Date

1/28/03

NOTE: Withdrawal is effective when approved rather than when received
Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

SF 1397895 v1